

A bill to reduce into one act and to amend the several acts granting to actual settlers on vacant public domain pre-emption privileges, together with the amendment offered by Mr. Durst, being the special order of the day, was taken up.

Mr. Paschal offered the following amendment to the amendment of Mr. Durst:

Provided, said person be a married man; and if a single man, then he shall be entitled to no more than one hundred and sixty acres; and further provided, that this act shall not extend to any person who has previously received a grant of land from the Republic or State of Texas.

On motion of Mr. Gage, the bill and amendments were laid on the table.

On motion of Mr. Bryan, Mr. Sublett was added to the committee on Public Buildings.

On motion of Mr. Guitin, Mr. Burks was added to the committee on Engrossed Bills.

On motion of Mr. Gage, the Senate adjourned until Friday the 25th, at 10 o'clock, for the purpose of giving the committees a chance to work.

FRIDAY, November 25, 1853.

The Senate was called to order by the President *pro tem.*, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Wednesday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills originating in the Senate:

A bill to incorporate the Sharon Union School; and a bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company.

Also, the following bills originating in the House:

A bill for the relief of America Elkins;

A bill to authorize and require the Commissioner of the General Land Office to issue to the heirs of Walter H. Gilbert a certificate for forty-one hundred and eight acres of land;

A bill to incorporate the Texas Telegraph Company; and

A bill for the relief of Larkin Adainson.

And further informing the Senate, that the House had appointed Messrs. Fields, Dooly and Rogers a committee, to act conjointly with the Senate's committee appointed to examine into and report upon the condition of the Treasury.

Mr. Kyle presented the petition of Richard Wells, administrator of J. P. Wells, deceased, asking the passage of an act authorizing and requiring the Commissioner of the General Land Office to issue a patent upon the headright certificate of John Webster; referred to the committee on Private Land Claims.

Mr. Millican presented the petition of James Martin, praying for relief; referred to the same committee.

Mr. Holland, chairman of the committee on Education, made the following report:

Your committee on Education have considered a joint resolution referred to them, proposing to amend the 10th article of the Constitution; and after due examination of the intention and necessity, instructed me to report the same back to the Senate, unamended, and recommend its passage. The committee are of opinion that it is the duty of all liberal and well-regulated governments to educate their children and prepare them for future usefulness; and inasmuch as our Constitution has wisely provided for the education of the children of the country, and this being a progressive age, in which we "live, move, and have our being," we believe that Texas should *at once* make ample provisions for this purpose from her treasury, and by liberal appropriations from her vast public domain, and thereby render *direct taxation for this purpose* useless and wholly unnecessary. And as the accompanying joint resolution has for its object the consummation of all these great ends, we hope it may receive the favorable consideration of the Senate and pass. All of which is respectfully submitted.

Mr. Burks, chairman of the committee on the Militia, made the following report:

The committee on the Militia, to whom was referred a bill supplementary to an act making appropriations to defray the expenses of three companies of volunteers, called into service of the State for the protection of the frontier, approved January 29, 1853, have had the same under consideration, and a majority of said committee instruct me to report the bill back and recommend its passage. JOSEPH H. BURKS, Chairman.

The undersigned, members of the above committee, beg leave to dissent from the report of the majority, believing that there exists no legal and just grounds why the State should pay the claim alluded to in the bill; but believe, if paid at all, it should be by the United States Government.

JEFFERSON WEATHERFORD,
JOSEPH H. BURKS.

Mr. Scott, chairman of the committee on the Public Debt, made the following report :

Your committee on Public Debt have considered the petition of J. Morrell, and have instructed me to report the petition back to the Senate, and request to be discharged from the further consideration of the same.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill to be entitled an act to incorporate the Howard Association of Galveston. The object of the Howard Association is purely charitable ; and the committee believe that the Association will be more effective and better able to carry out the purposes to which the members have devoted themselves, in times of sickness and distress, by being incorporated as proposed. The committee have, therefore, directed me to return the bill to the Senate, and recommend its passage.

Mr. Kyle, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike company, and a bill to amend an act to incorporate the Clarksville and Mount Pleasant Turnpike Company, reported the same back to the Senate, and recommended their passage.

Mr. Guinn, from the committee on Engrossed Bills, reported correctly engrossed a bill to repeal a joint resolution for the punishment of vagrants, approved 10th January, 1839, and a bill relinquishing to the counties the State taxes for the years 1854 and 1855.

Mr. McDade, chairman of the committee on Counties and County Boundaries, to whom was referred the petition of sundry citizens of Cook county, praying for the passage of an act more permanently to locate the county seat of said county, reported the following bill :

A bill to more permanently locate the county seat of Cook county ; read first time.

Mr. Sublett, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined an act to incorporate the Medical Association of Texas ; they find it correctly enrolled, and submitted it this day to the Governor for his signature.

Mr. Armstrong, from the committee on the Judiciary, to whom was referred a bill supplementary to an act regulating fees of of-

fice, approved March 20th, 1848, reported back to the Senate, a substitute therefor, and recommended its passage.

Mr. Lott introduced a bill to determine what lands have been forfeited; read first time.

Mr. Bryan introduced a bill to settle titles to land; read first time.

Mr. Lytle introduced a bill to incorporate the Aranama College; read first time.

Mr. Scott offered the following resolution:

Resolved, That the Senate will refuse to grant relief to land claimants holding claims against the late Republic or State of Texas, who having neglected or refused to avail themselves of the benefits of laws passed, under which they could have proved up or established their claims; which, on motion of Mr. Gage, was referred to the committee on the Judiciary.

ORDERS OF THE DAY.

A bill to repeal a joint resolution for the punishment of vagrants, approved the 10th January, 1839; read third time, and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Burks, Durst, Edwards, Guinn, Holland, Jowers, Keenan, Kyle, Lott, Lytle, Martin, McAnelly, McDade, Millican, Newman, Pedigo, Potter, Scarborough, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—26.

NAYS—Messrs. Armstrong, Doane, Gage, Hart and Scott—5.

On motion of Mr. McDade, Mr. Hill was excused from attendance on account of indisposition.

A bill relinquishing to the counties the State tax for the years 1854 and 1855; read third time and passed.

The following bills originating in the House were severally read the first time:

A bill for the relief of Larkin Adamson;

A bill for the relief of America Elkins;

A bill to authorize and require the Commissioner of the General Land Office to issue to the heirs of Walter H. Gilbert a certificate for forty-one hundred and eight acres of land; and

A bill to incorporate the Texas and Red River Telegraph Company.

Report of the select committee on a bill to prevent vice and immorality on the Sabbath, recommending a substitute therefor; read.

Mr. Guinn offered the following amendment to the substitute, to come in after "any" in 2d section:

Provided, That no portion of this act has reference to, or

comes in conflict with the laws already in force on the subject of gambling; adopted by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Doane, Edwards, Gage, Guinn, Hart, Holland, Jowers, Keenan, Kyle, Lott, Lytle, Martin, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele, Taylor, Weatherford, Whitaker and Wren—30.

NAYS—Mr. Burks—1.

Mr. Jowers raised a question of order upon the constitutionality of the President pro tem. to vote, except in cases of ties, or when in committee of the whole.

Mr. Hart was called to the chair by the President pro tem.

After some discussion, the chairman decided that the President pro tem. was entitled to vote as any other senator when the yeas and nays were called, but that he had no right to give the casting vote in case of ties.

The substitute offered by the committee for a bill to prevent vice and immorality on the Sabbath, being still under consideration, Mr. Taylor offered the following amendment to second section:

Strike out the proviso, and insert, "Provided, that nothing in this act shall be so construed as to conflict with the laws now in force upon the subject of gaming;" adopted.

On motion of Mr. Scott, the second section was amended by inserting after the word "but," the words "or a per centage is collect."

Mr. Paschal moved to lay the bill on the table; lost by the following vote:

YEAS—Messrs. Armstrong, Bryan, Burks, Doane, Durst, Edwards, Keenan, Lytle, McAnelly, McDade, Newman, Paschal, Pedigo, Potter, Scarborough and Superviele—16.

NAYS—Messrs. Allen, Gage, Guinn, Hart, Holland, Jowers, Kyle, Lott, Martin, Millican, Scott, Sublett, Taylor, Weatherford, Whitaker and Wren—16.

The substitute was then adopted.

Mr. Weatherford offered the following amendment to the bill:

Provided this act shall not be so construed as to interfere with any person or persons who keep any other day of the week as the Lord's Day; rejected.

The Senate refused to engross the bill by the following vote:

YEAS—Messrs. Allen, Gage, Guinn, Hart, Holland, Jowers, Kyle, Lott, Martin, Millican, Scott, Taylor, Weatherford, Whitaker and Wren—15.

NAYS—Messrs. Armstrong, Bryan, Burks, Doane, Durst, Ed-

wards, Keenan, Lytle, McAnelly, McDade, Newman, Paschal, Pedigo, Potter, Scarborough, Sublett and Superviele—17.

Mr. Allen introduced a bill to settle land titles ; read first time.

Mr. Jowers introduced a bill to ascertain forfeited and escheated lands, and void titles ; read first time.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill to amend the 31st and 64th sections of an act to organize justices' courts, and define their powers and jurisdiction, approved March 20, 1848, reported a substitute therefor, and recommended its adoption and passage.

A bill regulating mills and millers, together with the report of the special committee offering an amendment thereto, was read and adopted.

Mr. Hart offered the following amendment :

Provided, owners of mills shall be allowed to grind their own grain at any time ; rejected.

On motion of Mr. Wren, the second section was amended by striking out the word "or" between water and steam, and inserting after the word "steam" the words "or wind."

Mr. Burks offered the following amendment :

Provided, that the counties of Red River and Bowie be exempted from the provisions of this act ; rejected.

Mr. Whitaker moved to strike out the words "one-sixth," wherever they occur, and insert "one-eighth ;" rejected.

Mr. Keenan offered the following amendment :

Provided, any person who has a mill attached to his cotton gin may grind for whom he wishes, when he pleases, and for whatever part of the grain he may think proper ; adopted.

Mr. Guinn offered the following amendment :

Provided, water mills take for toll one-eighth of corn and one-seventh of wheat, and no more ; rejected.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Gage, Guinn, Holland, Kyle, Lott, Lytle, Martin, McDade, Millican, Newman, Potter, Scarborough, Scott, Superviele, Taylor and Weatherford—19.

NAYS—Messrs. Burks, Doane, Edwards, Hart, Jowers, Keenan, Pedigo, Whitaker and Wren—9.

On motion of Mr. Allen, the Senate adjourned until 9 o'clock to-morrow morning.